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5 UNITED STATES DISTRICT COURT FOR THE
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 PATH AMERICA KINGCO LLC, et al.,

9 Plaintiffs,

10 v.

11 UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, et al.,

12 Defendants.

CASE NO. C17-1485 RSM

ORDER GRANTING IN PART
DEFENDANTS' MOTION FOR
EXTENSION OF TIME

13 This matter comes before the Court on Defendants' Motion for an Extension of Time to
14 Answer or Otherwise Respond to Plaintiffs' Complaint. Dkt. #18. Defendants request a 59-day
15 extension of time to answer Plaintiff's Complaint, from December 5, 2017, until February 2, 2018.
16 Plaintiffs oppose this request, but request in the alternative that any extension be limited to 30 days.
17 Dkt. #19. Neither side has submitted declarations or other evidence to support their briefing.

18 As an initial matter, the Court notes that this Motion was filed on November 30, 2017, and
19 properly noted for consideration on December 8, 2017, pursuant to Local Rule 7(d)(2). However,
20 Defendants have violated Local Rule 7(j) by requesting relief from a deadline not "sufficiently in
21 advance of the deadline to allow the court to rule on the motion prior to the deadline." If the Court
22 had waited until the noting date to rule on this Motion, the deadline would have passed and
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1 Defendants would have been obligated to answer or otherwise respond. *See* LCR 7(j) (“Parties
2 should not assume that the motion will be granted and must comply with the existing deadline
3 unless the court orders otherwise.”). Defendants argue that they have been diligently working on
4 this matter, and “in good faith believed that the necessary authorization for a potential
5 administrative resolution would be secured prior to Defendants’ response due date.” Dkt. #18 at 3.
6 The Court will accordingly hear this Motion prior to the noting date, but warns the parties that the
7 Court will not accept another violation of Local Rule 7(j) in this case.

8 Defendants essentially argue that good cause exists because of: delays in gathering the
9 administrative records which must be filed simultaneously with the response to the Complaint; the
10 potential benefit of delay for efforts at settlement; and “travel by government counsel of record
11 outside the jurisdiction in unrelated litigation and pre-planned leave scheduled for the upcoming
12 holidays.” Dkt. #18 at 2–3. Plaintiffs disagree about the merits of these arguments, and argue that
13 they will suffer undue prejudice by a 59-day extension.

14 Both sides submit insufficient evidence to support their arguments. However, the Court is
15 persuaded that Defendants seek this relief in good faith. The Court finds good cause for an
16 extension of 30 days only and ORDERS that Defendants’ Motion for an Extension of Time, Dkt.
17 #18, is GRANTED IN PART. Defendants shall have until **January 4, 2018**, to answer or
18 otherwise respond.

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20 Dated this 5 day of December, 2017.

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23 RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE